

04-344 ORIGINAL

Before the
Federal Communications Commission
Washington, DC 20554

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FEB 27 2004

Federal Communication Commission
Bureau / Office

In the Matter of)

Petition of the National Telecommunications
and Information Administration for)
Rulemaking Regarding the Use of Maritime)
VHF Channels 87B and 88B)

DA 04-378; RM-10821; RM-10321

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OCT 29 2004

Federal Communications Commission
Office of the Secretary

To: Wireless Telecommunications Bureau
Public Safety and Private Wireless Division

COMMENTS

Pursuant to Section 1.405 of the Commission's rules, 47 C.F.R. § 1.405, Lockheed Martin Corporation ("Lockheed Martin"), on behalf of one of its businesses, Lockheed Martin Maritime Systems and Sensors, Radar Systems based in Syracuse, New York ("LM-MS2"), hereby responds to the Public Notice issued by the Wireless Telecommunications Bureau on February 13, 2003 seeking comment on MariTEL, Inc.'s ("MariTEL") modified proposal to support shared Government/non-Government use of VHF Channels 87B and 88B.¹ As explained below, Lockheed Martin opposes MariTEL's proposal and continues to support the Petition for Rulemaking submitted by the National Telecommunications and Information Administration ("NTIA") regarding

¹ Public Notice, *Wireless Telecommunications Bureau Seeks Comment on MariTEL, Inc. Proposal for Shared Use of Maritime VHF Channels 87B and 88B for Automatic Identification Systems*, DA 04-378 (Feb. 13, 2004) (seeking comment on Letter to Marlene H. Dortch, Secretary, FCC from Russell H. Fox, Counsel to MariTEL, DA 03-3585, RM-10821 *et al.* (Feb. 10, 2004)).

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shared use of Channels 87B and 88B for Automatic Identification System (“AIS”) operations.

I. INTRODUCTION

After thoroughly reviewing the NTIA petition, and based on our experience in the area of vessel traffic management, Lockheed Martin previously submitted comments respectfully urging the Commission to grant the NTIA petition to allocate Channels 87B and 88B exclusively for AIS use by both Federal Government and non-Federal Government users on a shared basis nationwide, without constraints as currently proposed by MariTEL.² We continue to support the NTIA petition.

By way of background, LM-MS2 provides the U.S. Coast Guard (through the Ports and Waterways Safety (“PAWSS”) program), as well as numerous commercial and government customers around the world, with vessel traffic management systems. Many of those government systems contain the AIS which, in accordance with International Maritime Organization (“IMO”) standards, operates on Channels 87B and 88B.

We believe that denial of the NTIA petition as submitted would have a significant adverse impact on the maritime safety of the United States and the vessels that navigate our waters.³ As a result, we do not support MartiTEL’s modified proposal, which would undermine the effectiveness of those systems and similar systems, as well as planned installations, in the future.

² See Comments of Lockheed Martin Corporation, RM-10821 (filed Dec. 1, 2003).

³ A detailed description of our experience with AIS, and the basis for our support of the NTIA petition, are contained in our previous comments. See *id.*

II. THE MARITEL PROPOSAL WOULD NEGATIVELY IMPACT INSTALLATION AND OPERATION OF AIS THROUGHOUT THE UNITED STATES AND WOULD AFFECT SAFETY AND SECURITY INITIATIVES OF FEDERAL AND LOCAL AUTHORITIES.

MariTEL's proposal raises significant concerns for U.S. safety and security initiatives at both the Federal and local levels. AIS is envisaged to be a critical component of future safety and security systems in Vessel Traffic System ("VTS") areas, operated not only by the U.S. Coast Guard and ships in the area, but also by other Federal, public and private entities in the area including the U.S. Navy, port authorities, and maritime "first responders." Allowing MariTEL to control access to AIS frequencies – and presumably to charge for such access – would dissuade the development of that use, and as maritime traffic increases (as is projected), this would have an increasingly adverse effect on the well being of those critical ports and those who use them.

AIS is also anticipated to be a critical component of national, regional and local Security and Maritime Domain Awareness in those areas outside VTS AORs. Indeed, maritime surveillance using AIS can provide valuable situational awareness of vessel traffic in sensitive areas that may not require the full services of a VTS. As noted above, authorities and entities faced with potential charges by MariTEL for AIS use may not have the resources to pay the MariTEL fees, which would therefore delay, if not inhibit, implementation of such systems. This would increase the safety and security risk to not only the ports in those areas, but the public residing in coastal areas as well. At the same time, charging for AIS usage in non-VTS areas could amount to an unfair business advantage for VTS areas over non-VTS ports as shippers and others attempt to decrease costs in any way possible. Further, this may drive shippers to divert vessels to an AIS

port and create additional traffic congestion, increasing the risk of collision because of the increased demand on the waterway.

MariTEL suggests the Commission adopt FATDMA (“Fixed Access Time Division Multiple Access”) technology and operational procedures to ensure sharing, but FATDMA has not been developed, let alone proven, to allow the use of this process to dynamically allocate spectrum bandwidth based on load. Spectrum dedicated to critical safety and security purposes should not be the proving ground for new sharing techniques. Moreover, even if the technology and procedures for dynamic FATDMA were developed, there is a significant risk that it would interfere with AIS usage for critical safety and security purposes. Specifically, deployment of dynamic FATDMA would decrease the stability of the VHS data link, which could adversely affect mobile terminals, thereby placing safety and security services at risk.

In addition to the above, the granting of this petition could place MariTEL in the position to approve or deny actions by other commercial entities interested in developing products in the AIS arena, and could severely limit competition for AIS implementation and services. MariTEL would also essentially be attempting to collect fees for AIS data, which is otherwise in the public domain, because of the broadcast nature of AIS. Further, if MariTEL were to use AIS spectrum for commercial purposes (*i.e.*, to send commercial data such as berth assignment or identification of cargoes to unload or take on) a dangerous distraction to the navigation team on the bridge of ships would likely be created at a time when the pilot or master can least afford to be distracted as they attempt to navigate in restricted waters.

Consistent, no-cost, and unfettered availability of AIS frequency channels not only enhances maritime safety and security, but also extends its capabilities to reach the greatest number of ships and ports available. This important public interest objective can only occur with the denial of the modified proposal submitted by MariTel for Commission consideration.

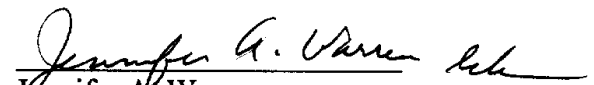
III. CONCLUSION

Lockheed Martin, on behalf of LM-MS2 as a major supplier of PAWSS and other vessel traffic management systems around the world, opposes the MariTEL proposal and reiterates its support for the NTIA Petition.

Respectfully submitted,

Lockheed Martin Corporation

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Dated: February 27, 2004

CERTIFICATE OF SERVICE

I, Donna M. Crichlow, certify that on February 27, 2004, the foregoing was served on all parties listed below by hand delivery:

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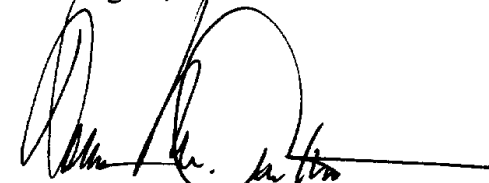
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A handwritten signature in black ink, appearing to read 'Donna M. Crichlow', written over a horizontal line.

Donna M. Crichlow